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10/033,503	12/27/2001	Ravi K. Kavuri	2001-028-NSC (STK 01028 P	8645
51344 7590 01/12/2007 BROOKS KUSHMAN P.C. / STK 1000 TOWN CENTER, TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER SHECHTMAN, CHERYL MARIA	
			ART UNIT 2163	PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/033,503
Filing Date: December 27, 2001
Appellant(s): KAVURI ET AL.

MAILED

JAN 12 2007

Technology Center 2100

Jeffrey M. Szuma
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 17, 2006 appealing from the Office action mailed November 28, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,745,207

REUTER et al

7-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Number 6,745,207 issued to Reuter et al (hereafter Reuter).

Referring to claim 21, Reuter discloses a system for managing a plurality of virtual storage volumes available to a user for use in storage and retrieval of user data (Abstract), the system comprising:

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- a pool ('root pool containing sub-pools', see Fig. 3 and 4; col. 7, lines 28-60, 'LUN', col. 13, lines 9-18, Fig. 4 and 18) linked to at least one of the plurality of virtual storage volumes ('virtual disks X, Y, and Z', see Fig. 4; col. 9, lines 35-63; col. 5, lines 42- 63; col. 7, lines 7-24); and
- a controller ('Management Agent (MA)', see Fig. 5, element 120, col. 10, lines 39-66; col. 7, line 61 – col. 8, line 2) for automatically allocating a storage device to the pool (MA contains one or more managing clients (MC) that provide the graphical user interface (virtual disk wizard) of Figs 11 and 12 to allocate resources, col. 11, lines 27-28 and 59-64; col. 12, lines 18-38; 'automated policy', col. 5, lines 1-8).

Referring to claims 26, 31, and 36, the limitations of the claims are similar to claim 21 addressed above and are therefore rejected for the same reasons as claim 21.

Referring to claims 22, 27, 32, and 37, Reuter discloses that the storage device comprises at least one physical disk ('LUNS data container', Fig. 3 and 4; col. 8, lines 4-9).

Referring to claims 23, 28, 33, and 38, Reuter discloses that the storage device comprises at least one redundant array of independent disks ('RAID' volumes, see Fig. 6).

Referring to claims 24, 25, 29, 30, 34, 35, 39, and 40, Reuter discloses that the storage device comprises at least one virtual storage volume, wherein the at least one virtual storage volume comprises at least one virtual disk (Fig. 1, elements 120 and 150; Fig. 3; Fig. 4).

(10) Response to Argument

Examiner's response to Appellants' Argument (Claims 21-40): **Claims 21-40 ARE ANTICIPATED by US Patent 6,745,207 issued to Reuter et al (hereafter Reuter).**

Referring to claim 21, Appellant argues that Reuter fails to teach or suggest automatically allocating a storage device to a pool. However, Examiner respectfully disagrees. Reuter teaches automatically assigning storage resources via a system management interface (col. 5, lines 4-8) or management agent (MA) controller that provides a web-based management interface (col. 10, lines 39-66; Fig. 5, element 120; col. 7, line 61 – col. 8, line 2). Furthermore, Reuter teaches that the MA contains one or more managing clients (MC) that provide graphical user interfaces such as those in Fig. 11 and 12, that facilitate management or allocation of virtual disk storage (col. 11, lines 27-28 and 59-64). Reuter also illustrates the automatic allocation of virtual disks in Fig. 11 and 12 and an automatic storage pool selection for a new virtual disk (col. 12, lines 18-38). As such, Examiner maintains that Reuter teaches automatically allocating a storage device to a pool.

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The rejections of claims 22-40 are hereby maintained for the same reasons as claim 21 above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Cheryl M Shechtman

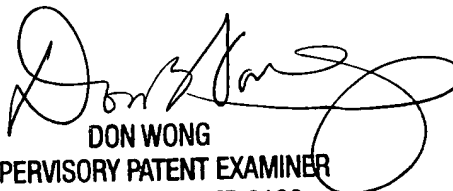
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